

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

EDWIN SOLIS, et al.	:	Case No. 1:19cv387
	:	
Plaintiffs,	:	(Judge Michael R. Barrett)
	:	
vs.	:	
	:	
EMERY FEDERAL CREDIT UNION	:	<u>MOTION FOR STIPULATED</u>
	:	<u>PROPOSED SCHEDULE RE:</u>
	:	<u>ANTICIPATED AMENDED</u>
Defendant.	:	<u>COMPLAINT</u>
	::	

COME NOW THE PARTIES, Edwin and Shanna Solis, James Gilbert, Jeffrey Markle, and Marta Chaney (“Plaintiffs”), and Emery Federal Credit Union (“Defendant”) pursuant to L.R. 7.3, through counsel, and respectfully move that this Court adopt the attached proposed briefing schedule; continue the Rule 26(f) Report deadline; and allow both Parties an extension of the 20-page limit on motion briefing. This motion is based upon the following memorandum.

Respectfully submitted,

/s/ Carolyn A. Taggart

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Counsel for Plaintiffs

MEMORANDUM

1. The Parties respectfully submit this stipulated proposed schedule to the Court, and respectfully ask that the Court approve the schedule contained herein.

2. Plaintiffs filed this action on May 24, 2019. Dkt. #1 at PageID 1. The Complaint is 473 pages and contains 618 numbered paragraphs and 29 exhibits. Dkt. #1 at PageID 1-473.

3. Defendant waived service on May 28, 2019, and timely moved to dismiss on July 29, 2019. Dkt. #3, PageID 478; Dkt. #10 at PageID 493.

4. Plaintiff's opposition is currently due August 19, 2019, but Plaintiffs have identified that they will be filing an Amended Complaint pursuant to Fed. R. Civ. P. 15(1)(B).

5. The Court previously granted the Parties each an additional five pages for their principal briefs on the Motion to Dismiss. Dkt. #9 at PageID 492.

6. Additionally, on August 1, 2019, the Court issued a Notice of Deadline, requiring the Parties to submit a Rule 26(f) Report by August 22, 2019. (August 1, 2019 Unnumbered Docket Entry).

7. The Parties propose the following schedule based on the anticipated complexity of the motion practice, and to give each side adequate time to brief the issues in light of preexisting personal, professional, and religious obligations during the time period in question:

- a. Amended Complaint to be filed by August 19, 2019.
- b. Defendant's existing Motion to Dismiss (Dkt. #10 at PageID 493) will be mooted by the filing of the anticipated Amended Complaint.
- c. Defendant's response to the Amended Complaint to be filed by September 18, 2019.
- d. Plaintiff's opposition to the anticipated Motion to Dismiss the Amended Complaint by October 18, 2019.

e. Defendant's reply in support of the anticipated Motion to Dismiss the Amended Complaint by November 8, 2019.

f. Rule 26(f) conference and report by September 25, 2019.

8. Additionally, because Plaintiffs' Amended Complaint is anticipated to be slightly longer and no less complex than the original Complaint, and because it is anticipated to contain the same statutory claims as the original Complaint, the Parties respectfully request that each of them be granted leave to file a brief in excess of the 20 pages ordinarily allowed, namely, to allow 25 pages for Defendant's Memorandum in support of its anticipated Motion to Dismiss the Amended Complaint, and 25 pages for Plaintiffs' Opposition to same.

9. There have been no previous requests for extensions of time in this case.

10. A proposed order is being submitted herewith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, I electronically filed the foregoing with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Carolyn A. Taggart

Carolyn A. Taggart